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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,844	11/13/2003	Toshiyuki Mitsubori	011350-325	4885

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EXAMINER	
RODRIGUEZ, LENNIN R	

ART UNIT	PAPER NUMBER
2625	

NOTIFICATION DATE	DELIVERY MODE
09/28/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com
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Office Action Summary

Application No.

10/705,844

Applicant(s)

MITSUBORI, TOSHIYUKI

Examiner

Lennin R. Rodriguez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 11/13/2003, 07/17/2007.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:
 - (1) page 2, line 9, **OEM** acronym should be show extended (e.g. PC – Personal Computer) at least once;
 - (2) page 4, line 20, “**andsaid**” should be – **and said** --;
 - (3) page 8, line 23, “**RMA**” should be – **RAM** --.Appropriate correction is required.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
3. Claims 12-14 and 16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.
 - (1) regarding claims 12-14:

A “printing program” is being recited; however a “printing program” as presented in the claims and discussed in the specifications is directed to a signal per se. This subject matter is not limited to that which falls within a statutory category of invention because it is limited to a process, machine, manufacture, or a composition of matter. A signal is a form of energy and a form of energy is non-statutory subject matter.
 - (2) regarding claim 16:

A "printing job transmission program" is being recited; however a "printing job transmission program" as presented in the claims and discussed in the specifications is directed to a signal per se. This subject matter is not limited to that which falls within a statutory category of invention because it is limited to a process, machine, manufacture, or a composition of matter. A signal is a form of energy and a form of energy is non-statutory subject matter.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1-2, 4-6, 8-9, 11-13 and 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Ota Yuichi (JP 06-247012, see machine translation for all the citations).

(1) regarding claims 1 and 8:

Yuichi '012 discloses a printing device comprising:

a printing job receiving unit for receiving a printing job (paragraph [0006], line 2, interface data reception);

a command analyzing unit for analyzing a command included in said printing job (paragraph [0006], lines 7-9);

a default setup modifying unit for modifying a default setup based on a default setup modifying command when said command is said default setup modifying command (paragraph [0007], where the default setup is being setting up according to the command to change it); and

a printing unit for printing data to be printed included in said printing job (paragraph [0006], line 9, printing means).

(2) regarding claims 4 and 11:

Yuichi '012 further discloses a printing job transmission device (paragraph [0002], lines 1-5, computer or workstation) comprising:

a default setup inputting unit for inputting a default setup for a printing device (paragraph [0013], where the data its being inputted from the external instrument which is a computer or workstation);

a printing job preparation unit for preparing a printing job including a default setup modifying command for modifying the default setup of said printing device to a default setup entered by said default setup input unit (paragraph [0012], where inside the external instrument is where the job preparation is performed); and

a printing job transmission unit for transmitting said printing job to said printing device (paragraph [0009], lines 1-4).

(3) regarding claim 5:

Yuichi '012 further discloses a printing system comprising a printing device and a printing job transmission device, which are connected to be able to communicate with each other (paragraph [0002], lines 1-5);

wherein, said printing job transmission device comprising:

a default setup inputting unit for inputting a default setup for said printing device (paragraph [0013], where the data its being inputted from the external instrument which is a computer or workstation);

a printing job preparation unit for preparing a printing job including a default setup modifying command for modifying the default setup of said printing device to a default setup entered by said default setup input unit (paragraph [0012], where inside the external instrument is where the job preparation is performed); and

a printing job transmission unit for transmitting said printing job to said printing device (paragraph [0009], lines 1-4); and

said printing device comprising:

a printing job receiving unit for receiving a printing job (paragraph [0006], line 2, interface data reception);

a command analyzing unit for analyzing a command included in said printing job (paragraph [0006], lines 7-9);

a default setup modifying unit for modifying a default setup based on a default setup modifying command when said command is said default setup modifying command (paragraph [0007], where the default setup is being setting up according to the command to change it); and

a printing unit for printing data to be printed included in said printing job (paragraph [0006], line 9, printing means).

(4) regarding claims 12 and 15:

Yuichi '012 further discloses a printing program (paragraph [0022], "printing control program") for causing a printing device to execute:

a printing job receiving step of receiving a printing job (paragraph [0006], line 2, interface data reception);

a command analyzing step of analyzing a command included in said printing job (paragraph [0006], lines 7-9);

a default setup modifying step of modifying a default setup based on a default setup modifying command when said command is said default setup modifying command (paragraph [0007], where the default setup is being setting up according to the command to change it); and

a printing step of printing data to be printed included in said printing job (paragraph [0006], line 9, printing means).

Regarding claim 15: computer-readable medium (ROM, paragraph [0024, line1).

(5) regarding claims 16 and 17:

Yuichi '012 further discloses a printing job transmission program (paragraph [0022], "printing control program") for causing a printing job transmission device to execute:

a default setup inputting step of inputting a default setup for a printing device (paragraph [0013], where the data its being inputted from the external instrument which is a computer or workstation);

a printing job preparation step of preparing a printing job including a default setup modifying command for modifying the default setup of said printing device to a default

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setup entered by said default setup input step (paragraph [0012], where inside the external instrument is where the job preparation is performed); and

a printing job transmission step of transmitting said printing job to said printing device (paragraph [0009], lines 1-4).

Regarding claim 17: computer-readable medium (ROM, paragraph [0024, line1).

(6) regarding claims 2, 6, 9 and 13:

Yuichi '012 further discloses wherein said printing unit prints said data in accordance with the default setup modified by said default setup modifying unit (paragraph [0007], lines 5-7).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3, 7, 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ota Yuichi (JP 06-247012) in view of Iguchi (US Patent 6,963,414).

Yuichi '012 discloses all the subject matter as described above except wherein said printing unit prints the contents of the default setup modified by said default setup modifying unit.

However, Iguchi '414 teaches wherein said printing unit prints the contents of the default setup modified by said default setup modifying unit (column 1, lines 12-26, where the status print is printing a list of various settings).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that said printing unit prints the contents of the default setup modified by said default setup modifying unit as taught by Iguchi '414, in the system of Yuichi '012. This is used by a user, developer or person in charge of maintenance to check the set items of the printing apparatus and to perform test printing (column 1, lines 12-26).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ta et al. (US Patent 5,500,715) discloses a processor combines the first set of printing instructions, the second set of printing instructions and the default set of printing instructions so as to compile the final set of printing instructions for completing the print job (see abstract).

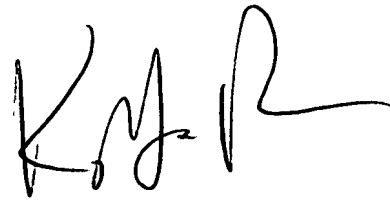
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lennin R. Rodriguez whose telephone number is (571) 270-1678. The examiner can normally be reached on Monday - Thursday 7:30am - 6:00pm EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on (571) 272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Lennin Rodriguez
9/19/2007

A handwritten signature in black ink, appearing to read 'K. Y. Poon', with a stylized flourish at the end.

KING Y. POON
SUPERVISORY PATENT EXAMINER